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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DR. RABBI K. A. ISRAEL,
CONSULAR ATTORNEY, THE BROTHER OF,
AND THE GUARDIAN FOR,
MS. BEATRICE DEMETRICE GARTH,

PLAINTIFF

VS.

THOMAS MARTIN LAKE, ATTORNEY AT LAW,
AND THE INSURERS OF THOMAS M. LAKE,

DEFENDANTS

CASE NO. 07-CV-6609

HON. JUDGE JOAN H. LEFKOW,
PRESIDING.

HON. MAG. JUDGE: MASON,
MAGISTRATE JUDGE.

NOTICE OF MOTION

FILED

TO: THOMAS MARTIN LAKE, ATTORNEY AT LAW,
AND THE INSURERS OF THOMAS M. LAKE,
30 NO. LASALLE STREET, SUITE 2800,
CHICAGO, ILLINOIS, 60602

DEC 26 2007 NF
DEC 26 2007
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

On JANUARY 02, 08, 2008, at 9:00 a.m. / p.m. or as soon thereafter as
counsel may be heard, I shall appear before the Honorable JUDGE JOAN H. LEFKOW in
Courtroom 1925 at the United States District Court Northern District of Illinois, Eastern Division,

219 South Dearborn Street, Chicago, Illinois, and present "MOTION FOR JUDICIAL NOTICE
OF ADJUDICATIVE FACTS: F.R.E. (201), MOTION FOR DECLARATORY JUDGMENT,
MOTION FOR RECONSIDERATION, AND PLAINTIFF'S MOTION TO PROCEED ON
APPEAL IN-FORME-PAUPERIS: F.R.A.P. 3(a)(1)-4(a)(1)(A)-5(d)(3)."

Name RABBI K. A. ISRAEL,

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Telephone (773)-469-8132

PGS. 1-3

PROOF OF SERVICE

I, the undersigned (plaintiff / defendant), certify that on the 26TH day of DECEMBER, 2007,

I served a copy of this notice to each person whom it is directed by way of U.S. POSTAL SERV.,
REGULAR FIRST-CLASS MAIL, POSTAGE PRE-PAID, LOOP POST OFFICE
CHICAGO, ILLINOIS, 60600, AT, OR BEFORE, 5:00 P.M.

DR. RABBI K. A. ISRAEL
SIGNATURE / CERTIFICATION

DECEMBER 26, 2007

DATE

(13.) UNDER, AND PURSUANT TO, 28 U.S.C. ss 2201; DECLARATORY JUDGMENTS: (a); CREATION OF REMEDY: IN A CASE OF ACTUAL CONTROVERSY WITHIN ITS JURISDICTION,.....,.....,.....,.....,....., ANY COURT OF THE UNITED STATES (OF AMERICA), UPON THE FILING OF THE APPROPRIATE PLEADING, MAY DECLARE THE RIGHTS AND OTHER LEGAL RELATIONS OF ANY INTERESTED PARTY SEEKING SUCH DECLARATION, WHETHER OR NOT FURTHER RELIEF IS OR COULD BE SOUGHT. ANY SUCH DECLARATION SHALL HAVE THE FORCE AND THE EFFECT OF A FINAL JUDGMENT OR DECREE AND SHALL BE REVIEWABLE AS SUCH.

(14.) UNDER, AND PURSUANT TO, 28 U.S.C. ss 2202; FURTHER RELIEF: FURTHER NECESSARY OR PROPER RELIEF BASED ON A DECLARATORY JUDGMENT OR DECREE MAY BE GRANTED, AFTER REASONABLE NOTICE AND HEARING, AGAINST ANY ADVERSE PARTY WHOSE RIGHTS HAVE BEEN DETERMINED BY SUCH JUDGMENT.

(15.) FOMAN VS. DAVIS, 371 U.S. 178, 182, 83 S.CT. 227, 230 (1962). "IF THE UNDERLYING FACTS OR CIRCUMSTANCES RELIED UPON BY A PLAINTIFF MAY BE A PROPER SUBJECT OF RELIEF, HE OUGHT TO BE AFFORDED AN OPPURTUNITY TO TEST HIS CLAIM ON THE MERITS. ((UNLESS THERE IS A)) REASON-- SUCH AS UNDUE DELAY, BAD FAITH OR DILATORY MOTIVE ON THE PART OF THE MOVANT, REPEATED FAILURES TO CURE DEFICIENCIES BY AMENDMENTS PREVIOUSLY ALLOWED, UNDUE PREJUDICE TO THE OPPOSING PARTY BY VIRTUE OF ALLOWANCE OF THE AMENDMENT, ETC.- THE LEAVE SOUGHT SHOULD, AS THE RULES REQUIRE, BE 'FREELY GIVEN.' OF COURSE, THE GRANT OR DENIAL OF AN OPPURTUNITY TO AMEND IS WITHIN THE DISCRETION OF THE DISTRICT COURT, BUT OUTRIGHT REFUSAL TO GRANT THE LEAVE WITHOUT ANY JUSTIFYING REASON IS NOT AN EXERCISE OF DISCRETION; IT IS MERELY ABUSE OF THAT DISCRETION AND INCONSISTENT WITH THE SPIRIT OF THE FEDERAL RULES OF CIVIL PROCEDURE."

RESPECTFULLY SUBMITTED BY:

Dr. Rabbi

دكتور رابى ك. ا. اسرائيل

SIGNED:

DR. RABBI K. A. ISRAEL, CONSULAR ATTORNEY,
ALSO KNOWN AS
DR. RABBI K. GARTH RICHARDSON, CONSULAR ATTORNEY,
PARALEGALS FOR CIVIL RIGHTS AND
HUMAN RIGHTS, INTERNATIONALE,
F.E.I.N. 87-0656393,
P.O. BOX 803241,
CHICAGO, ILLINOIS, 60680-3241
(773)-469-8132

DATE: DECEMBER 26 2007

NOTARY PUBLIC: